

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FUNCTION MEDIA LLC

v.

GOOGLE, INC., ET AL

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CIVIL ACTION NO. 2:07cv279 CE

Jury Trial Day Four Minutes
January 22, 2010

OPEN: 8:31 a.m.

ADJOURN: 3:50 p.m.

ATTORNEYS FOR PLAINTIFF:

Max Tribble
Joe Grinstein
Robert Parker
Justin Nelson

ATTORNEYS FOR DEFENDANTS:

Charles Verhoeven
Edward DeFranco
Amy Candido
Gil Gillam

LAW CLERK:

Jim Warriner

COURT REPORTER:

Shelly Holmes, CSR

COURTROOM DEPUTY:

Jan Lockhart, PLS, CP

8:31 a.m. Court opened.

Mr. De Franco continued his examination of Dr. Dean.

9:14 a.m. Joe Grinstein conducted cross examination of Dr. Dean.

9:21 a.m. The Court gave the witness instruction.

9:31 a.m. Mr. Grinstein Passed witness.

9:32 a.m. Mr. DeFranco conducted re-direct examination of Dr. Dean

9:42 a.m. Bench conference.

9:43 a.m. Mr. DeFranco continued his examination of Dr. Dean.

9:44 a.m. No further questions by either party. The witness was excused.

9:45 a.m. Mr. De Franco called Jason Miller to testify. Mr. Miller was sworn and examined under oath.

9:55 a.m. Audience asked to leave courtroom for confidential testimony.

9:56 a.m. Bench conference.

9:58 a.m. Mr. DeFranco continued his examination of Mr. Miller.

10:10 a.m. Jury excused for morning break until 10:35 a.m. Jury left courtroom.

10:11 a.m. Hearing outside the presence of the jury.

10:13 p.m. Court recess.

10:38 a.m. Court reconvened. Mr. DeFranco continued his examination of Mr. Miller.

10:59 a.m. Bench conference.

11:00 a.m. Mr. DeFranco continued his examination of Mr. Miller.

11:03 a.m. Cross examination of Mr. Miller by Mr. Tribble.

11:04 a.m. Bench conference.

11:12 a.m. Court instruction to witness. Mr. Tribble continued his examination of Mr. Miller.

11:22 p.m. Mr. DeFranco conducted re-direct examination of Mr. Miller.

11:26 a.m. Mr. Miller was excused.

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11:27 a.m. Karen Delfau was sworn and examined under oath.

11:40 a.m. Mr. Nelson requested a copy of the documents used by Defendant with this witness.

12:00 p.m. Lunch recess until 1:15 p.m.

1:15 p.m. Jury back in courtroom. Court reconvened. Mr. DeFranco continued his examination of Ms. Delfau.

1:38 p.m. Mr. Nelson conducted cross examination of Ms. Delfau.

2:01 p.m. Re-direct examination of Ms. Delfau by Mr. DeFranco.

2:06 p.m. Mr. Nelson conducted re-cross examination

2:07 p.m. Mr. DeFranco conducted re-direct examination.

2:09 p.m. Parties passed the witness. Mr. DeFranco called Steven Rupp to testify. Mr. Rupp was sworn and examined under oath.

2:17 p.m. Mr. Tribble conducted cross examination of Mr. Rupp.

2:19 p.m. Court gave witness instruction re answering question.

2:21 p.m. Re-direct examination by Mr. DeFranco of Mr. Rupp.

2:25 p.m. Bench conference.

2:26 p.m. Mr. Tribble conducted re-cross examination of Mr. Rupp.

2:27 p.m. Parties passed the witness.

Afternoon break until 2:45 p.m.

2:46 p.m. Jury back in courtroom. Mr. Verhoeven called Mark Lanning to testify. Mr. Lanning was sworn and examined under oath.

3:47 p.m. Court excused the jury until Monday morning at 8:30 a.m.

3:48 p.m. The Court gave the parties instructions regarding closing argument, the charge conference and the amount of time used. The Court instructed the parties to meet and confer regarding trial exhibits and exhibit lists. At the end of the trial, the parties are to submit, on disks, copies of the trial exhibits in lieu of paper copies. After the trial is over, the parties are to pick up the paper copies of their exhibits.

3:50 p.m. Court adjourned.